

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KING COUNTY, WASHINGTON; DOW
CONSTANTINE, in his official capacity as
King County Executive,

Defendants.

CASE NO. 20-0203 RJB

ORDER ON PLAINTIFF'S
MOTION TO STAY DISCOVERY

THIS MATTER comes before the Court on the United States' Motion to Stay Discovery Pending a Ruling on Its Motion for Judgment on the Pleadings. Dkt. 16. The Court has considered the pleadings filed regarding the motion and the remaining file.

On February 10, 2020, the United States filed this case challenging King County, Washington Executive Order PFC-7-1-EO, "King County International Airport—Prohibition on Immigration Deportations" ("Executive Order"). Dkt. 1. The United States now moves for a

1 temporary stay of discovery. Dkt. 16. For the reasons provided below, the motion should be
2 denied.

3 **I. FACTS**

4 The Executive Order at issue provides that “King County International Airport shall not
5 support the transportation and deportation of immigration detainees in the custody of
6 Immigration and Customs Enforcement.” Dkt. 1-1, at 3. To that end, King County is directed to
7 take several actions, including “[e]nsur[ing] that all future leases, operating permits and other
8 authorizations for commercial activity at King County International Airport contain a prohibition
9 against providing aeronautical or non-aeronautical services to enterprises engaged in the business
10 of deporting immigration detainees (except for federal government aircraft), to the maximum
11 extent permitted by applicable law.” *Id.* In this case, the United States seeks a declaration
12 invalidating and permanently enjoining the enforcement of the Executive Order as violative of
13 the supremacy clause of the U.S. Constitution, the Airline Deregulation Act, 49 U.S.C. § 41713
14 (“ADA”), and the United States’ rights in the parties’ “Instrument of Transfer.” Dkt. 1.

15 On March 30, 2020, King County, Washington and Dow Constantine (collectively
16 “County”) propounded written discovery requests to the United States. According to the County,
17 responses are currently due around April 29, 2020. Dkt. 19.

18 On April 16, 2020, the United States filed a motion for judgment on the pleadings
19 pursuant to Fed. R. Civ. P. 12(c). Dkt. 15. In this motion, the United States argues that the
20 Executive Order violates the supremacy clause’s doctrines of intergovernmental immunity and
21 conflict preemption. *Id.* In this motion, the United States concedes that discovery may be
22 warranted for its claims under the ADA and the parties’ “Instrument of Transfer.” *Id.*, at 2, n. 2.
23
24

1 On April 16, 2020, the United States filed this motion, seeking an order staying discovery
2 until after a decision is made on its motion for judgment on the pleadings. Dkt. 16. The County
3 opposes the motion. Dkt. 19. The United States filed a reply (Dkt. 20) and the motion is ripe for
4 review.

5 **II. DISCUSSION**

6 Pursuant to Fed. R. Civ. P. 26 (c), for “good cause” the Court may limit or deny
7 discovery.

8 The motion to stay discovery until a decision is made on the United States’ motion for a
9 judgment on the pleadings should be denied. The United States has not shown sufficient good
10 cause to stay discovery in this case. It is not yet clear whether the motion for a judgment on the
11 pleadings should be granted. This case should remain on track. Parties should continue to work
12 on discovery and the other issues that arise in the case.

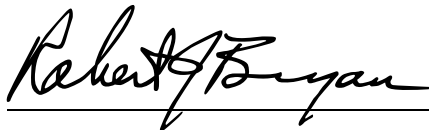
13 **III. ORDER**

14 **IT IS ORDERED THAT:**

- 15
 - The United States’ Motion to Stay Discovery Pending a Ruling on Its Motion for
16 Judgment on the Pleadings (Dkt. 16) **IS DENIED.**

17 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
18 to any party appearing *pro se* at said party’s last known address.

19 Dated this 27th day of April, 2020.

20 

21 ROBERT J. BRYAN
22 United States District Judge
23
24